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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,635	11/26/2003	Michael A. Sturba	16137	9717

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EXAMINER

DAVIS, CASSANDRA HOPE

ART UNIT PAPER NUMBER

3611

DATE MAILED: 07/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/723,635

Applicant(s)

STURBA ET AL.

Examiner

Cassandra Davis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-20 is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-11, 13 and 14 is/are rejected.
- 7) ☒ Claim(s) 4 and 12 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Objections

1. Claim 5 is objected to because of the following informalities: In claim 15, line 6, it appears as if the term "attached" should be inserted after holder portion. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. In claim 9, the phrase "a pair of side portions extending from the said front portion" is not descriptive of the invention described in the specification and/or the drawings. In the specification and in the drawings the side portions extend from the holder portion.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 9 (as best understood), 10, 11, 13, and 14 are rejected under 35

U.S.C. 102(b) as being anticipated by Moore, U. S. Patent 2,515,887

Moore teaches a planar front 24, a planar rear portion (22, 23) attached to the front portions at a first score line 23', a planar connector portion 21 attached to the rear

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portion at the second score line 21', a planar holder portion 20 attached to the connector portion 20' at a third score line, a pair of wing portions 39,40 extending from the rear portion 22, and a pair of side portion 25,26 extending front the holder portion.

With respect to claim 10, Moore teaches the display box made of cardboard material.

With respect to claim 11, the box taught by Moore is sized to hold a plurality of candy or wafer type cookies. Since the candy and cookies are larger than business card, the examiner contents that box are inherently larger enough to hold business cards.

With respect to claim 13, Moore teaches tabs 29-32 extending from the side portions 25 and 26, wherein the tabs are adapted to be inserted into slots49 and 50.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 2, 3, 5, 6, 7, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore, U. S. Patent 2,515,887 in view of Volkert et al., U. S. Patent. Volkert teaches a blank sheet 301 having a foldable figure 303 die cut from the sheet along line 305. The box taught by Moore is made from a signal piece of cardboard that is cut and scored. It would have been obvious to one having ordinary skill in the at the

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time this invention was made to construct the signal blank piece taught by Moore by die cutting from a larger blank as taught by Volkert to enhance the production of the blank by cutting in a signal operation as required in die cutting.

With respect to claim 2, Moore teaches the display box made of cardboard material.

With respect to claim 3, the box taught by Moore is sized to hold a plurality of candy or wafer type cookies. Since the candy and cookies are larger than business card, the examiner contends that box are inherently larger enough to hold business cards.

With respect to claim 7, Moore teaches tabs 29-32 extending from the side portions 25 and 26, wherein the tabs are adapted to be inserted into slots 49 and 50.

With respect to claims 5-8, the side portion 25 and 26 extend from the holder portion 20 and cooperate with the wings 39 and 40 to form the side walls of the holder. (See figure 11).

Allowable Subject Matter


7. Claims 15-20 are allowed.

8. Claims 4 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cassandra Davis whose telephone number is 703-308-2223. The examiner can normally be reached on Monday-Friday 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 703-308-0629. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Cassandra Davis
Primary Examiner
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CD
June 23, 2004